

## SUMMARY

### DR. ALVIN NEWMAN (CPSO# 26232)

#### 1. Disposition

On December 9, 2015, the Inquiries, Complaints and Reports Committee (“the Committee”) required gastroenterologist Dr. Newman to appear before a panel of the Committee to be cautioned with respect to his unprofessional behaviour and communications, including the need to forewarn a patient adequately regarding a procedure.

#### 2. Introduction

A patient complained to the College that Dr. Newman roughly performed a rectal examination without warning, causing the patient to bleed, and spoke to the patient in an unprofessional manner.

Dr. Newman informed the College that it was essential that he determine whether or not the patient was having a major gastrointestinal hemorrhage that could be life-threatening. Dr. Newman informed the College that because the patient had refused medically indicated procedures in the past, and needed this examination, he (Dr. Newman) insisted on performing the rectal examination.

A witness informed the College that they heard the patient scream and Dr. Newman shouting loudly at the patient. The witness also said that Dr. Newman stated (after the patient had left), “I guess I lost my patience.”

#### 3. Committee Process

An Internal Medicine Panel of the Committee, consisting of public and physician members, met to review the relevant records and documents related to the complaint, as well as College policies and relevant legislation.

#### 4. Committee’s Analysis

The Committee referenced and discussed aspects of the College’s policy on *Consent to Treatment* (#3-15), noting that Dr. Newman should have more clearly communicated to the

patient. The College requires physicians to respect the patient's decision to exercise their legal right to refuse, withhold or withdraw consent, even if the physician does not agree with the decision.

While records show Dr. Newman had previously performed rectal examinations on the patient, Dr. Newman should still have clearly communicated to the patient what he was going to do and provide the patient with the opportunity to consent (or not) to the procedure.

The Committee observed that it had dealt with and taken significant action with respect to previous patient complaints about Dr. Newman's communication (including cautioning Dr. Newman in writing and in person, and requiring him to complete a specified continuing education and remediation program), and this caused it to be very troubled by what appeared to a sustained pattern of issues related to rudeness and unprofessional behaviour. This history served to heighten the Committee's concern in this case.